IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 11595 of 1999

Between:

Jinka Guruvaiah, S/o Nadipi Ramaiah, aged 65 years, Agriculture,
R/o Gumparamannedinne village, Sirivel Mandal, Allagadda Taluk,
Kurnool District.

..... PETITIONER

AND

1. The Executive Engineer, Office of the Panchayat Raj, Sirvel Mandal, Kurnool District.
2. Shaikshavali Reddy, father's name not known, 28-774-B11, NGO Colony, Nandyal, Kurnool District.

(WP was dismissed for default against R-2 by order dt. 7-3-2003)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order particularly one in the nature of Writ of Mandamus, declaring the action of the respondent No.1 in not causing notice to the petitioner before taking decision, if any, of demolition of the petitioner's house bearing House No.1-15 Gumparamanedinne village, Sirivel Mandal, Allagadda Taluk, Kurnool District as illegal, arbitrary, against the principles of natural justice and contrary to Arts.14,21 and 300-A of Constitution of India and direct the respondent No.1 to follow due process of law before demolition of house of the petitioner giving the petitioner an opportunity to file explanation and direct the respondents to consider explanation of the petitioner judiciously in the interest of justice.

Counsel for the Petitioner: MRCHETLURU SREENIVAS

Counsel for the Respondent No.1 : GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORDER:

The petitioner claiming to be the owner of house bearing D.No,.1-15 situate at Gumparamanndinne village having succeeded on the death of his father filed the present writ petition stating that the second respondent who is a contractor working under the first respondent is trying to demolish the house of the petitioner without issuing any notice.

While issuing notice before admission, this court stayed the demolition.

In spite of service of notice, the first respondent has not filed any counter. Writ petition against R-2 has been dismissed for default by order of this court dt. 7-3-2003.

Having regard to the facts and circumstances of the case, without following due procedure and without issuing notice, the respondents shall not dispossess nor demolish the house bearing D.No.1-15 situate at Gumparamanndinne village, Allagadda Mandal, Kurnool District.

With the above direction, the writ petition is disposed of. No costs.

.ASST. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. 1. The Executive Engineer, Office of the Panchayat Raj, Sirvel Mandal,
Kurnool District.

2. 2CCs to the GP for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad (OUT) .
3. 2 CD copies